



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: BRIAN MCCORMICK
Department of Medical Assistance Services

FROM: NOËLLE L. SHAW-BELL
Assistant Attorney General

DATE: February 21, 2008

SUBJECT: Proposed Regulation 12 VAC 30-10-560, 12 VAC 30-20-141 & repeal of 12 VAC 30-20-140
Estate Recovery Update

I have reviewed the above-referenced proposed regulations and repeal concerning estate recovery to determine whether the Board of Medical Assistance Services (the Board) has the statutory authority to take this action.

Based on my review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code §§ 32.1-324 and 32.1-325, has the authority to promulgate these regulations and repeal the specified regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act, and has not exceeded that authority.

If you have any questions, please feel free to call me at 225-2741.

cc. Kim F. Piner, Sr. Assistant Attorney General and Section Chief